

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)
ARTESIAN WATER COMPANY, INC. TO)
ABANDON WATER SERVICE PROVIDED)
UNDER A CERTIFICATE OF PUBLIC) PSC DOCKET NO. 22-0581
CONVENIENCE AND NECESSITY)
PURSUANT TO 26 DEL. C. §203A)
(FILED JULY 12, 2022; AMENDED OCTOBER)
6, 2022)

ORDER NO. 10164

AND NOW, this 11th day of January 2023, the Delaware Public Service Commission (“Commission”) determines and orders the following:

WHEREAS, on January 25, 2005, by Order No. 6565 in Docket No. 04-CPCN-23, the Commission granted a Certificate of Public Convenience and Necessity (“CPCN”) to Artesian Water Company, Inc. (“Artesian”) to provide water services to 228 parcels of land located in Sussex County, Delaware; and

WHEREAS, on July 12, 2022, Artesian filed an application (the “Application”) requesting authorization to abandon or discontinue providing water operations or service for two (2) of the parcels of land included in the CPCN, specifically Sussex County Tax Map Parcel Nos. 134-19.00-112.00 and 134-19.00-112.04 (the “Abandoned Parcel”); and

WHEREAS, subsequent to the CPCN being granted in Docket No. 04-CPCN-23, a portion of Sussex County tax parcel numbers 134-19.00-112.00 was subdivided creating additional lots identified as tax parcel numbers 134-19.00-112.01, 134-19.00-112.02, 134-19.00-112.03, and 134-19.00-112.04; and

WHEREAS, on September 29, 2022, Staff confirmed that two (2) parcels in the Proposed Service Area were acquired by a new landowner and accordingly requested Artesian to provide a notice to the new landowner of record of the CPCN and Artesian's intent to abandon its CPCN for the two (2) parcels; and

WHEREAS, on October 5, 2022, Artesian filed a revised Application ("Amended Application") maintaining its intention to abandon two (2) parcels: 134-19.00-112.00 and 134-19.00-112.04; and

WHEREAS, on October 6, 2022, Artesian filed a notice sent to the new landowner advising them of Artesian's intent to seek approval from the Commission to abandon tax parcel numbers 134-19.00-112.00 and 134-19.00-112.04; and

WHEREAS, Artesian has not requested any change with respect to the other 226 parcels of land in the existing CPCN; and

WHEREAS, 26 *Del. C.* § 203A(d)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

WHEREAS, 26 *Del. C.* § 203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary, and not unduly disruptive to the present or future public convenience and necessity; and

WHEREAS, based on its review, Commission Staff ("Staff") submitted a memorandum dated January 4, 2023, which is incorporated herein by reference, wherein Staff recommends the

Commission approve the Application because Staff believes Artesian has met its burden of proof as set forth in 26 *Del. C.* § 203A(d)(3);

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The Commission hereby approves Artesian's Amended Application to abandon its CPCN for Sussex County Tax Map Parcel Nos. 134-19.00-112.00 and 134-19.00-112.04.
2. Artesian shall, consistent with our previous practices, provide to the landowner of the Abandoned Parcels at least 30 days' prior written notice of Artesian's abandonment of water services. Artesian shall provide proof of such written notice to Staff on or before February 28, 2023.
3. Except for the specific removal of the Abandoned Parcel from the CPCN, Artesian shall retain its CPCN as to the other 226 parcels granted by Order No. 6565 in Docket No. 04-CPCN-23.
4. Artesian is hereby notified that it will be assessed the costs of this proceeding pursuant to 26 *Del. C.* § 114(b)(1).
5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joanne Conaway, Commissioner

Harold Gray, Commissioner

Manubhai “Mike” Karia, Commissioner

Kim F. Drexler, Commissioner

ATTEST:

Donna Nickerson, Secretary